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21 R. SHAH, MD, LTD.; and RADAR
22 MEDICAL GROUP, LLP dba UNIVERSITY
23 URGENT CARE

24 UNITED STATES DISTRICT COURT
25 DISTRICT OF NEVADA

26 ALLSTATE INSURANCE COMPANY,
27 ALLSTATE PROPERTY & CASUALTY
28 INSURANCE COMPANY, ALLSTATE
INDEMNITY COMPANY, and ALLSTATE
FIRE & CASUALTY INSURANCE
COMPANY,

29 Plaintiffs,

30 vs.

31 RUSSELL J. SHAH, M.D.; DIPTI R. SHAH,
32 M.D.; RUSSELL J. SHAH, MD, LTD.; DIPTI
33 R. SHAH, MD, LTD.; and RADAR MEDICAL
34 GROUP, LLP dba UNIVERSITY URGENT
35 CARE, Does 1-100, and ROES 101-200,

36 Defendants.

37 AND RELATED CLAIMS.

38 Case No. 2:15-cv-01786-APG-DJA

39 **STIPULATION AND ORDER TO
40 EXTEND DEADLINE TO FILE JOINT
41 PRETRIAL ORDER**

42 **(Second Request)**

1 Defendants and Counterclaimant Russell J. Shah, M.D., Dipti R. Shah M.D., Russell J. Shah,
 2 MD, Ltd., Dipti R. Shah, MD, Ltd., and Radar Medical Group, LLP d/b/a University Urgent Care
 3 (collectively, the “Radar Parties”) and Plaintiffs/Counterdefendants Allstate Insurance Company,
 4 Allstate Property & Casualty Insurance Company, Allstate Indemnity Company, and Allstate Fire &
 5 Casualty Insurance Company (collectively, the “Allstate Parties”), by and through their respective
 6 attorneys of record, stipulate and agree as follows:

7 1. On July 17, 2023, the Court entered its Order [ECF No. 583] granting in part the
 8 Radar Parties’ Motion for Summary Judgment on Allstate’s Causes of Action in its First Amended
 9 Complaint [ECF Nos. 460/461]. The Court directed the parties to confer regarding which of the
 10 remaining 197 patients underlying Allstate’s causes of action should be dismissed in accordance
 11 with the Court’s decision and to then prepare and file: (i) a stipulation and proposed order
 12 identifying those patients for whom the parties agree are subject to dismissal (the “Stipulation”); and
 13 (ii) a joint status report identifying those patients for whom the parties disagree are subject to
 14 dismissal, together with the parties’ respective positions (the “Joint Status Report”).

15 2. On September 29, 2023, the parties filed the Stipulation [ECF No. 591], identifying
 16 91 patients who are subject to dismissal (Exhibit “A”), 91 patients who are not subject to dismissal
 17 (Exhibit “B”), and 15 patients for whom the parties disagreed are subject to dismissal (Exhibit “C”).

18 3. Also on September 29, 2023, the parties filed the Joint Status Report [ECF No. 592],
 19 setting forth their respective positions as to dismissal of the patients identified in Exhibit “C.”

20 4. On October 2, 2023, the Court entered its Order [ECF No. 593] granting summary
 21 judgment for the Radar Parties as to the 91 patients in Exhibit “A.”

22 5. On November 6, 2023, the Court entered its Order [ECF No. 595] denying summary
 23 judgment for the Radar Parties as to the 15 patients identified in Exhibit “C.”

24 6. Pursuant to the Court’s August 23, 2023 Order [ECF No. 586] granting the parties’
 25 Stipulation [ECF No. 584], the parties presently have until February 4, 2024 to prepare and file the
 26 joint pretrial order (*i.e.*, 90 days following entry of the Court’s November 6, 2023 Order addressing
 27 the Joint Status Report).

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1 7. Although the parties have each since separately worked on various aspects of the joint
 2 pretrial order, based on the number of contested facts and legal issues to be resolved at trial for the
 3 Allstate Parties' claims, the Radar Parties' affirmative defenses to those claims, and the Radar
 4 Parties' counterclaims; the volume of exhibits to be reviewed for pretrial disclosure purposes; the
 5 number of depositions taken in discovery, including numerous Fed. R. Civ. P. 30(b)(6) depositions
 6 of the Allstate Parties, and corresponding need to identify the pages and lines of each transcript to be
 7 offered, or which may be offered, at trial; and so that counsel for the parties have an adequate
 8 opportunity to confer in good faith in an attempt to narrow the issues to be decided by the Court
 9 through motions *in limine*, the parties seek additional time to complete the joint pretrial order.

10 8. Further, following discussions between counsel for the parties after the Court's
 11 summary judgment rulings, the parties have agreed to attend a private mediation with either a retired
 12 federal district judge or a retired federal magistrate judge. Subject to the mediator's availability once
 13 selected, the parties presently seek to schedule an in-person mediation in April 2024 (thus allowing
 14 sufficient time for the parties to prepare lengthy mediation briefs and participate in pre-mediation
 15 discussions with the mediator).

16 9. In recognition of the substantial amount of time and effort that will be expended by
 17 the parties in pre-trial work, including preparing the joint pretrial order and drafting motions *in*
 18 *limine*, the parties seek to extend the deadline for filing the joint pretrial order until 45 days after the
 19 mediation.

20 10. Based on the foregoing, and assuming that the mediation occurs by April 30, 2024,
 21 the parties seek to extend the deadline for filing the joint pretrial order until June 14, 2024.

22 11. Once the mediator is selected and the date for the mediation is chosen, the parties will
 23 file a joint status report, updating the Court as to the parties' progress with respect to mediation.

24 12. This is the second request to extend the deadline for filing the joint pretrial order.

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1 13. This stipulation is submitted in good faith and not to delay the proceedings.

2 IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

3 DATED this 31st day of January, 2024.

3 DATED this 31st day of January, 2024.

4 McCORMICK, BARSTOW, SHEPPARD,
5 WAYTE & CARRUTH LLP

4 BAILEY♦KENNEDY

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13 *Attorneys for Defendants & Counterclaimant*

14 *Attorneys for Plaintiffs/Counterdefendants*

15 **IT IS SO ORDERED.**



16 _____
17 UNITED STATES MAGISTRATE JUDGE

18 DATED: 2/1/2024

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